

## SEVENTH DAY

(Wednesday, January 16, 1935)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Hardin
Adamson	Harris of Archer
Adkins	Harris of Dallas
Aikin	Hartzog
Alexander	Head
Alsup	Herzik
Ash	Hill
Atchison	Hodges
Beck	Holland
Bergman	Hoskins
Bourne	Howard
Bradbury	Huddleston
Bradford	Hughes
Broyles	Hunt
Burton	Hunter
Butler of Brazos	Hyder
Butler of Karnes	Jackson
Cagle	James
Caldwell	Jefferson
Calvert	Jones of Atascosa
Canon	Jones of Falls
Celaya	Jones of Runnels
Clayton	Jones of Shelby
Collins	Jones of Wise
Colquitt	Keefe
Colson	King
Cooper	Knetsch
Cowley	Lange
Craddock	Lanning
Crossley	Latham
Daniel	Leath
Davis	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
Dwyer	McFarland
England	McKee
Fain	Moffett
Farmer	Moore
Fisher	Morris
Fitzwater	Morrison
Ford	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Olsen
Gibson	Padgett
Glass	Palmer
Good	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn

Reed of Bowie	Steward
Reed of Dallas	Stinson
Riddle	Stovall
Roach of Angelina	Tarwater
Roach of Hunt	Tennyson
Roane	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Settle	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Spears	Young
Stanfield	Youngblood

Absent—Excused

Hofheinz Reader

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hofheinz for today, on motion of Mr. McCalla.

Mr. Reader for today, on motion of Mr. Young.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Clayton, Mr. Hankamer, Mr. Jackson, and Mr. Butler of Brazos:

H. B. No. 114, A bill to be entitled "An Act amending Article 2910 of the Revised Civil Statutes of the State of Texas, 1925, by eliminating from the said article the provision which prohibits any person interested in the publication of textbooks or in selling the same to be used in the public schools of this State from being eligible to hold certain positions in the public schools in this State, and declaring an emergency."

Referred to Committee on Education.

By Mr. Roark and Mr. Jones of Wise:

H. B. No. 115, A bill to be entitled "An Act to amend Article 1580, Chap-

ter 5, Title 18, of the Revised Criminal Statutes of Texas, 1925, relating to the hours of labor on public work; repealing Article 5166, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Dunagan:

H. B. No. 116, A bill to be entitled "An Act levying and providing for payment and collection of luxury taxes upon persons who purchase chewing gum, perfumes, cosmetics, cigars, tobacco, snuff, smoking and chewing tobacco (except rolled cigarettes), candy, cereal beverages, bottled drinks which are not cereal beverages, soft drinks which are not bottled, tickets to places of amusements, playing cards, jewelry, malt, firearms and sporting goods; fixing the amount of such luxury taxes and providing by whom shall be collected, and providing that the luxury taxes so collected shall be set apart for the use and benefit of the State Available School Fund of the State of Texas, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Dunagan:

H. B. No. 117, A bill to be entitled "An Act prohibiting the operation of slot machine halls; defining slot machine halls; providing for the granting of injunctions against the operating of slot machine halls; and providing a penalty for the operation of slot machine halls, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Alsup:

H. B. No. 118, A bill to be entitled "An Act to place the Texas State Highway Commission under the provisions of the Workmen's Compensation Law, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Alsup:

H. B. No. 119, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the county board of trustees out of the State and County Available School Fund, and declaring an emergency."

Referred to Committee on Education.

By Mr. Alsup:

H. B. No. 120, A bill to be entitled "An Act to amend Article 2746, Revised Civil Statutes, relative to payment of persons holding elections of local school trustees, and declaring an emergency."

Referred to Committee on Education.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 121, A bill to be entitled "An Act amending Articles 776, 777, 778, and 779, Title 9, Chapter 3, of the Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 122, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure, 1925, and repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 123, A bill to be entitled "An Act amending Article 650 and repealing Article 651, Title 8, Chapter 5, and repealing Article 711, Title 8, Chapter 7, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 124, A bill to be entitled "An Act amending Article 666, Title 8, Chapter 5, Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes and Mr. Walker:

H. B. No. 125, A bill to be entitled "An Act amending Article 693, Title 8, Chapter 6, of the Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 126, A bill to be entitled "An Act amending Article 702, Title 8, Chapter 6, of the Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Reed of Dallas, Mrs. Hughes, and Mr. Walker:

H. B. No. 127, A bill to be entitled "An Act amending Article 714, Title 8, Chapter 7, of the Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Broyles:

H. B. No. 128, A bill to be entitled "An Act to amend Article 1025, Code of Criminal Procedure of Texas, 1925, providing that district and county attorneys in cases where suspended sentences are given shall receive half the now provided fees; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Spears:

H. B. No. 129, A bill to be entitled "An Act to amend Article 2234 of the Revised Civil Statutes of the State of Texas, and this Act provides that the court may hear evidence and may grant a new trial for misconduct of the jury or improper argument, or improper communications or statements received by the jury, and this Act provides that no case shall be reversed upon appeal by reason of any such ground, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Spears:

H. B. No. 130, A bill to be entitled "An Act to amend Article 2189 of the Revised Civil Statutes of the State of Texas, being Section 1 of Chapter 59, page 113, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature of the State of Texas; this Act relates to the submission to the jury in the trial of civil cases of special issues, and of explanations and definitions of legal terms, and provides the

time and manner of requesting explanations and definitions of legal terms and provides what issues may be raised upon appeal in reference thereto, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Spears:

H. B. No. 131, A bill to be entitled "An Act to amend Article 2190 of the Revised Civil Statutes of Texas, being Chapter 78, page 120, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-second Legislature of Texas, and this Act relates to the submission of civil case upon special issues to the jury, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Rogers:

H. B. No. 132, A bill to be entitled "An Act amending Article 2350, Chapter 44, of the Revised Civil Statutes of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Reader (by request):

H. B. No. 133, A bill to be entitled "An Act prohibiting the sale of contraceptive devices, prophylactic rubber goods and articles for the prevention of venereal and other diseases and infections, or any sex inciting devices or contrivances, except by registered pharmacist or licensed physicians; providing a penalty for violation of this Act, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Wood of Harrison, Mr. Harris of Dallas, and Mr. Westfall:

H. B. No. 134, A bill to be entitled "An Act creating in connection with the Department of the Adjutant General a Bureau of Criminal Identification; providing measures for the identification and investigation of persons arrested and charged with crime and for a more efficient system of enforcing the criminal laws of this State; for the creating and organization of a central bureau to classify, record and service information to the proper local authorities and peace officers concerning all persons arrested and charged

with offenses of a felony nature as well as misdemeanor offenses involving moral turpitude, etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Thornton, Mrs. Hughes, Mr. Hill, Mr. Stinson, Mr. Head, Mr. Daniel, Mr. Beck, Mr. Cooper, Mr. Jefferson, and Mrs. Moore:

H. B. No. 135, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Forty-third Legislature of the State of Texas, and being Senate Bill No. 561, Chapter 160, and published at length in the General Laws, Regular Session of the Forty-third Legislature, at pages 406 to 407, etc., and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Harris of Dallas, Mr. Collins, Mr. Settle, Mr. Wood of Harrison, Mr. Hartzog, Mrs. Hughes, Mr. Morris, Mr. Jones of Falls, Mr. Ford, Mr. Roach of Hunt, Mr. Hunter, Mr. Cagle, Mr. Reed of Dallas, Mr. Dunlap of Kleberg, Mr. Shofner, Mr. Worley, and Mr. Cooper:

H. B. No. 136, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs, and fixing the fee for operator's and chauffeur's license and providing for the disposition thereof, and relating to liability of certain persons for negligence in the operation of motor vehicles on the public highways, and to make uniform the law relating thereto, and for the creation of the office of Commissioner of Motor Vehicles for the State of Texas; defining the duties of said official of Texas."

Referred to Committee on Highways and Motor Traffic.

By Mr. James:

H. B. No. 137, A bill to be entitled "An Act to provide for the licensing of stores in Texas; declaring operation without license to be a misdemeanor; providing penalties for violation; providing a lien in favor of the State of Texas, allocating funds derived, imposing certain duties upon State Comptroller, making appropriation, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Fisher:

H. B. No. 138, A bill to be entitled "An Act amending Article 8309a of the Acts of 1931, Forty-second Legislature, Chapter 179, Section 1, Civil Statutes of Texas, relating to the time during which the Industrial Accident Board is allowed to pass upon a claim for workmen's compensation, and adding thereto a provision that if any such claim for compensation shall not be disposed of by said Board within a period of ninety (90) days from the date of filing of same the claimant shall have the right to proceed with his appeal to the district court, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Fisher:

H. B. No. 139, A bill to be entitled "An Act amending Article 1021, Texas Code of Criminal Procedure of 1925, as amended by Acts 1927, Fortieth Legislature, Chapter 236, Section 1, relating to salaries and per diem of district attorneys in all judicial districts composed of two or more counties, and providing that such district attorneys shall receive pay for each day of service in the necessary discharge of their official duties, and for each day they represent the State in specified capacities, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Fisher:

H. B. No. 140, A bill to be entitled "An Act amending Article 710, Texas Code of Criminal Procedure, 1925, and providing that the defendant's failure to testify in a criminal trial may be alluded to and commented on by counsel or by jurors in their deliberations, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Alsup, Mr. Glass, Mr. Keefe and Mr. Bergman:

H. B. No. 141, A bill to be entitled "An Act declaring it to be the policy of the State to provide for the standardization of tomatoes as a protection to grower, shipper, carrier, receiver, and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the

State of Texas, etc., and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Fisher:

H. B. No. 142, A bill to be entitled "An Act to be called Article 700a of the Code of Criminal Procedure, and providing that when a defendant is acquitted on the grounds of insanity in a criminal case that he shall be committed by the trial court to a State institution for the insane, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Fisher:

H. B. No. 143, A bill to be entitled "An Act amending Article 533, Texas Code of Criminal Procedure, 1925, and providing that any matter of form or of substance in any indictment or information may be amended at any time before an announcement of ready for trial upon the merits of both parties; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quinn:

H. B. No. 144, A bill to be entitled "An Act to provide that in all suits where land is recovered or retained by virtue of any judgment in such suit, judgment shall be rendered that the person losing title to said premises recover all taxes legally assessed against said property, which have theretofore been paid by him or his grantees; providing for a first lien to secure the payment of same; declaring said Act to be cumulative of other statutes, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Collins:

H. B. No. 145, A bill to be entitled "An Act amending Article 3935, Title 61, of the Revised Civil Statutes of Texas of 1925, to provide that a flat maximum fee of one dollar (\$1) be fixed for the justice of the peace in default cases; and to further provide that this fee shall be in lieu of all fees charged under Article 3935 of the Revised Civil Statutes of Texas of 1925 in all uncontested cases, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Collins:

H. B. No. 146, A bill to be entitled "An Act amending Article 1135, Title 28, of the Revised Civil Statutes of Texas, 1925, to provide that when a majority of the inhabitants, who are property owning, tax-paying, qualified voters of any territory adjoining the limits of any town or village, incorporated hereunder, shall vote in favor of becoming a part of said town or village, any three of the said property owning, tax-paying, qualified voters may make affidavit to such fact and file such affidavit with the mayor of said town or village, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Collins:

H. B. No. 147, A bill to be entitled "An Act amending Article 974, Title 28, of the Revised Civil Statutes of Texas, 1925, to provide in cases of annexation of territory to a city, that only property owning, tax-paying, qualified voters who had the right to vote for members of the State Legislature of any territory adjoining the limits of said city shall have the right to vote in said cases of annexation, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Collins:

H. B. No. 148, A bill to be entitled "An Act to provide a method of service by registered mail as an alternative to personal service of citation out of the justice court; to further provide that a fee of fifty cents shall be charged for service, and to further provide a return receipt shall be shown in each instance."

Referred to Committee on Judiciary.

By Mr. Collins:

H. B. No. 149, A bill to be entitled "An Act to amend Article 3780, Title 57, Revised Civil Statutes of Texas of 1925, to provide that execution for money may be issued in the first instance to the county in which the judgment debtor resides, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Quinn:

H. B. No. 150, A bill to be entitled "An Act to reorganize the First Judicial District of Texas, to be consti-

tuted of the counties of Jasper, Orange, Sabine and Newton, and to provide for the terms thereof, amending subdivision 1 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 51, Acts 1930, Forty-first Legislature, Fourth Called Session; and to reorganize the One Hundred Twenty-third Judicial District of Texas, to be constituted of the counties of Panola, San Augustine, and Shelby, and to provide for the terms thereof, amending Chapter 369, Acts 1931, Forty-second Legislature, Regular Session, etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Graves, Mr. Hunter, Mr. Wood of Montague, Mr. Smith, Mr. Morse, Mr. Youngblood, Mr. Hardin, Mr. Colson, Mr. Greathouse, Mr. Steward, Mr. Tillery, Mr. Butler of Brazos, Mr. Settle, Mr. Dunagan, Mr. Harris of Archer, Mr. Wood of Harrison, Mr. Reed of Dallas, Mr. Hyder, Mr. Crossley, Mr. Jones of Falls, Mr. Lemens, Mr. Broyles, Mr. Nicholson, Mr. Stinson, Mr. Jones of Runnels, Mr. Clayton, Mr. Roark, Mr. Russell, Mr. Cooper, Mr. Jackson, Mrs. Hughes, Mr. Hankamer, and Mr. Thornton:

H. B. No. 151, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, Acts of the Forty-second Legislature, First Called Session, and Section 1, Chapter 100, Acts of the Forty-third Legislature, Regular Session, and Chapter 88, Section 1, Acts of First Called Session of the Forty-third Legislature, defining the term 'gas well,' and providing that for the purposes of the Act if oil and/or gas be produced through different strings of casing set in the same well bore, the inner string of casing through which oil and/or gas be produced shall be regarded as one well, and each successive additional string of casing through which oil and/or gas shall be produced, etc., and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Graves, Mr. Smith, Mr. Morse, Mr. Hunter, Mr. Tennyson, Mr. Wood of Montague, Mr. Youngblood, Mr. Hardin, Mr. Colson, Mr. Greathouse, Mr. Steward, Mr. Tillery, Mr. Butler of Brazos, Mr. Settle, Mr.

Dunagan, Mr. Harris of Archer, Mr. Wood of Harrison, Mr. Reed of Dallas, Mr. Hyder, Mr. Crossley, Mr. Jones of Falls, Mr. Lemens, Mr. Broyles, Mr. Nicholson, Mr. Stinson, Mr. Jones of Runnels, Mr. Clayton, Mr. Roark, Mr. Russell, Mr. Cooper, Mr. Jackson, Mrs. Hughes, and Mr. Thornton:

H. B. No. 152, A bill to be entitled "An Act amending Article 6016 of the 1925 Revised Civil Statutes, requiring that all natural gas when encountered in any well in this State, producing natural gas only, be confined to its original horizon until same can be produced and utilized without waste for some useful and lawful purpose, and requiring the protection of such horizon from infiltrating waters, etc., and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Graves, Mr. Shofner, Mrs. Hughes, Mr. Hankamer, and Mr. Thornton:

H. B. No. 153, A bill to be entitled "An Act to amend subdivision 4, 'Gas and Light,' of Chapter 10, Title 32, Revised Civil Statutes of Texas, 1925, by adding thereto Article 1436a, providing that no gas, electric current, or power corporations mentioned in Article 1435, Revised Civil Statutes of Texas, 1925, shall, after the passage of this Act, engage in the business of selling, leasing, renting, or distributing goods, wares, or merchandise at wholesale or retail other than gas and electric current to consumers of their services, even though such goods, wares, or merchandise may be designated, fabricated for and capable of being used in the consumption of gas or electric current furnished by such corporations, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Graves et al.:

H. B. No. 154, A bill to be entitled "An Act to reorganize and simplify the organization and operations of the Executive Department of the State Government to provide for better service and economy through the enactment of an Administrative Code, providing for nineteen (19) administrative departments, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Jefferson:

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 2, and 4, of Chapter 45, Acts of the Forty-third Legislature, Regular Session, relating to the wages paid on public work, and declaring an emergency."

Referred to Committee on Labor.

By Mrs. Hughes:

H. B. No. 156, A bill to be entitled "An Act prohibiting the refund of wages under personal service contract; defining the word 'person'; making exception of labor officials acting as agent of duly constituted labor organizations; providing a penalty, and declaring an emergency."

Referred to Committee on Labor.

By Mr. McCalla:

H. B. No. 157, A bill to be entitled "An Act to provide that constables shall be responsible for the official acts of their deputies; empowering constables to require bond and security of their deputies; providing remedies in favor of constables against their deputies and sureties, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Tennyson, Mr. Aikin, Mr. Latham, Mr. Broyles, Mr. McFarland, and Mr. Patterson:

H. B. No. 158, A bill to be entitled "An Act to provide for attendance of rural pupils or of other pupils in high schools at the expense of their home districts and of the State; for certification of eligibility of pupils and districts for tuition privileges in the high schools, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Walker:

H. B. No. 159, A bill to be entitled "An Act to amend Article 1683 of the Revised Civil Statutes so as to provide that county librarians who have received a certificate of qualification for office one time from the State Board of Examiners, and said county librarian has under said certificate received employment in any county library in this State, said librarian may thereafter be re-employed by said county library without further examination and the issuance of another certificate from said State

Board of Library Examiners, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Hardin:

H. B. No. 160, A bill to be entitled "An Act to repeal and repealing Articles 6663 to 6674, inclusive, of the Revised Civil Statutes of Texas, 1925, and to create and creating an administrative board, to be known as The State Highway Commission, consisting of five members, to be appointed by the Governor of Texas, with advice and consent of the Senate of Texas, one from each State Highway District (defined and created in the Act) and to serve for terms of two years, and, thereafter, one of each members to be elected by the qualified voters of each such Highway District for terms as provided for in the Act, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Jefferson:

H. B. No. 161, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 1, General and Special Laws, Acts of the Regular Session of the Forty-third Legislature, Chapter 241, page 843, as amended at the Second Called Session of the Forty-third Legislature, relating, regulating and advocating the promoting, conducting and maintaining of fistic combat or wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Reed of Dallas:

H. B. No. 162, A bill to be entitled "An Act amending Article 4891 of the Revised Civil Statutes of 1925, as amended by the Acts of the First Called Session of the Forty-first Legislature, Chapter 37, page 84, so as to provide for the use of coinsurance clauses in windstorm, tornado or hail insurance without limitation or restriction except such as may be approved by the Board of Insurance Commissioners, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Shofner:

H. B. No. 163, A bill to be entitled "An Act to amend Article 7078, Revised Civil Statutes, 1925, so as to provide that counties, cities and towns shall collect an occupation tax on individuals, companies, corporations, or associations owning, operating, managing, or controlling any gas, electric light, electric power, or water works, or water or light plants equal to one-half the occupation tax now levied by the State, or which may hereafter be levied by the State, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope:

H. B. No. 164, A bill to be entitled "An Act to amend subdivision 3 of Article 3883 of Section 1 of Chapter 220 of Acts of the Forty-third Legislature of the State of Texas, Regular Session, 1933, page 734, by raising the salaries of justices of the peace and constables in certain counties, and providing for excess fee remuneration and repealing all laws or parts of laws in conflict herewith, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Howard:

H. B. No. 165, A bill to be entitled "An Act amending Article 4204 of the Revised Civil Statutes of 1925 by adding thereto a provision authorizing guardians of estates owning real estate which has been foreclosed upon to file an application to the court for authority to convey said real estate to former owner and mortgage debtor thereof who is eligible for a loan thereon from the Home Owners' Loan Corporation, the Federal Land Bank or any other entity, corporation or agency now created, or hereafter to be created, by any act or acts of Congress or of the State of Texas, for a consideration partly or entirely evidenced by vendor's lien notes, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Morrison and Mr. Holland:

H. B. No. 166, A bill to be entitled "An Act amending Article 3832, Title 57, 1925, Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale

for the payment of debts, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Broyles:

H. B. No. 167, A bill to be entitled "An Act to amend Article 381, Code of Criminal Procedure, 1925, prescribing the duties of the grand jury and making mandatory that grand jury canvass all election returns, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

## HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Lotief, Mr. Walker, and Mr. Lange:

H. J. R. No. 18, Proposing an amendment to Section 26, Article I of the Constitution of the State of Texas, so as to authorize municipalities to make flat-rate contracts with public utilities for any number of years, not exceeding twenty (20), etc.

Referred to Committee on Constitutional Amendments.

By Mr. Reed of Bowie and Mr. Beck:

H. J. R. No. 19, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51b, which shall provide that the Legislature shall have the power to cooperate with the United States of America in providing for and paying an old age pension to actual bona fide citizens of Texas over the age of sixty-five years who have not been convicted of a felony within ten years next prior to the granting of such pension and who have never been convicted of being an habitual criminal, etc.

Referred to Committee on Constitutional Amendments.

By Mr. Hunt and Mr. Alsup:

H. J. R. No. 20, Proposing an amendment to Section 51, Article III of the Constitution of Texas, providing for aid to indigent or disabled Confederate soldiers and sailors, etc.

Referred to Committee on Constitutional Amendments.



By Mr. Bradford, Mr. Hankamer, Mr. Jackson, Mr. Fisher, Mr. Payne, and Mr. Clayton:

H. J. R. No. 21, Proposing an amendment to Article VII of the Constitution of the State of Texas so as to authorize the taxation of lands belonging to the University of Texas for county and school district purposes; and providing for valuation of these lands by the State Tax Board, etc.

Referred to Committee on Constitutional Amendments.

**INVITING GOVERNOR JAMES V. ALLRED TO ADDRESS A JOINT SESSION OF THE HOUSE AND SENATE**

Mr. Walker offered the following resolution:

H. C. R. No. 12, Inviting Governor James V. Allred to address the Legislature.

Whereas, It is customary for the Governor of Texas to deliver a message to the Regular Session of each Legislature; and

Whereas, The members of the Forty-fourth Legislature, both of the House and of the Senate, are desirous of hearing the Governor deliver such message in person; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a Joint Session of the Senate and the House of Representatives of the Forty-fourth Legislature be held in the Hall of the House at 2:30 p. m., Wednesday, January 16, 1935, and that His Excellency, the Hon. James V. Allred, Governor of Texas, be invited to deliver his message at such Joint Session; also, be it

Resolved, That a committee of ten members, five from the Senate and five from the House, be appointed to escort the Governor to the Hall of the House.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Walker, Calvert, Butler of Brazos, Ford, Quinn, and Stovall.

**MESSAGE FROM THE SENATE**

Senate Chamber,

Austin, Texas, January 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 12, Relative to a joint session of the House and Senate at 2:30 p. m., January 16, 1935, in the House of Representatives, inviting His Excellency, the Hon. James V. Allred, Governor of Texas, to deliver his message at such joint session.

The following are appointed on the part of the Senate: Senators Collie, Pace, Hughston, Blackert, and Moore.

Respectfully,

**BOB BARKER,**

Secretary of the Senate.

**OATH OF OFFICE ADMINISTERED**

Speaker Stevenson stated that Hon. Aug. Celaya, member-elect of the Seventy-second Representative District was present, and that the constitutional oath of office would now be administered to him.

Mr. Celaya then took the constitutional oath of office, which was administered by Hon. Coke R. Stevenson, Speaker.

**RESOLUTION SIGNED BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 4, Providing for a joint session of the House and Senate for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

**TO GRANT PERMISSION TO SUE THE STATE**

Mr. Farmer offered the following resolution:

H. C. R. No. 11, To grant to Mrs. Rhoda Sweatt and Miss Mae Vance, each, permission to bring suit against the State of Texas.

Whereas, In or about the year 1931, the State of Texas by and through the Highway Commission constructed a highway extending from the City of Fort Worth to the Town of Grapevine in Tarrant County, and known as State Highway No. 121, and in connection with the construction of said highway, so changed the contour of the land

at and near said highway and so constructed the same as to change the course and flow of waters from rains and other precipitation; and

Whereas, Mrs. Rhoda Sweatt and Miss Mae Vance of Tarrant County, Texas, each has a small tract of land and a home near to said highway at that place, which they claim to be damaged by reason of the increased flow of water, from rains and other precipitation, across their said lands by reason of the construction of said highway and change of the contour of the land near the same, for which damage, if any, neither of them has been compensated in whole or in part; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Mrs. Rhoda Sweatt and the said Miss Mae Vance each be, and hereby are, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in order to determine what damage, if any, they or either of them suffered and what compensation, if any, they or either of them may be entitled to by reason of any increased flow of water over their lands or the land of either of them on account of the construction of said highway or consequent change of the contour of land near thereto, and that, in case suit be filed, service of citation and other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as is made in civil cases.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### ADDRESS BY HON. JAMES V. ALLRED, GOVERNOR

(In Joint Session.)

In accordance with the provisions of House Concurrent Resolution No. 12, inviting Governor James V. Allred to address a Joint Session of the House and Senate at 2:30 o'clock p. m., today, the Honorable Senate, at 2:30 o'clock p. m., was announced at the bar of the House and by direction of Speaker Stevenson, the Senators were admitted and escorted to seats.

Lieutenant Governor Walter Woodul occupied a seat on the Speaker's stand.

Hon. James V. Allred, Governor, accompanied by Senators Collie, Pace, Hughston, Blackert, and Moore, committee on the part of the Senate, and Messrs. Walker, Calvert, Butler of Brazos, Stovall, Ford, and Quinn, committee on the part of the House, was escorted to a seat on the Speaker's stand.

Speaker Stevenson called the House to order and stated that the two houses were in Joint Session for the purpose of hearing an address by Governor James V. Allred.

The Senate was called to order by Lieutenant Governor Walter Woodul.

Speaker Stevenson presented Hon. George B. Butler of Brazos County, who introduced Hon. James V. Allred, Governor.

Mr. Allred then addressed the Joint Session as follows:

The Members of the Senate and the House of Representatives of the Forty-fourth Legislature:

It is your honor and good fortune to constitute the Centennial Legislature of Texas. As the people's chosen representatives you are in the enviable position of leadership and responsibility occupied exactly 100 years ago by illustrious patriots who laid the foundation of government for the Lone Star State. It should be, and I am sure it is to each of you an inspiration and a call to service.

The Constitution has wisely provided for the legislative, the executive and the judicial departments of government, none of which "shall exercise any power properly attached to either of the others except in the instances" expressly permitted therein. I heartily assure you of my recognition of the wisdom of these profound principles and of my earnest desire to assist you in accomplishing the tasks ahead.

The Constitution, however, has imposed upon you and me certain duties and obligations. Among other things, the Governor is required by the Constitution to recommend to the Legislature from time to time "such measures as he may deem expedient." In view of unprecedented conditions familiar to us all, it is doubly imperative that we should at all times work harmoniously for the common cause.

Faithful administration of the affairs of Texas is the biggest thing ahead! This Centennial Legislature has the biggest opportunity to serve Texas, and, at the same time, the

biggest responsibility to the people, of any lawmaking body in its history.

Thus, as public servants, you and I have a common objective—protection and advancement of the rights of the people. To facilitate the attainment of this high purpose, I tender to all the members of the Legislature the freedom of the Executive Offices. I want you to come to me with your suggestions and give me the benefit of your views upon any public question. I pledge you my whole-hearted cooperation and assistance in making Texas a better place in which to work and live.

In her formal message to the Legislature my immediate predecessor presented her views as to "the condition of the State" and made certain recommendations. As incoming Governor it is now my duty to give to you the benefit of my views and recommendations. As stated in my Inaugural address on yesterday, I doubt the wisdom of attempting to present to the Legislature at one time a complete and detailed program. At a later date I shall have additional comment to make upon "the condition of the State," and, from time to time, will make specific suggestions to you in the interest of good government.

At this time I commend to you for careful study and action each plank in the State Democratic platform. For your convenience I am attaching hereto a copy of this platform, with the respectful suggestion that it be inserted in the Journal of each House.

In this message I desire to direct your attention to what I deem to be our more pressing problems; and to submit by specific statements, for immediate consideration during the first thirty days of your session, a limited number of subjects.

#### Relief Program

There is much work for each of us to do. I heartily agree with the party platform declaration to which we are committed that:

"Restoration of a sound, economic and social structure is of most immediate concern to the people."

There are approximately 250,000 families on the relief rolls of the State. Many of the breadwinners for these families, through no fault of their own, are the unfortunate victims of an economic catastrophe. All that they need or desire is a chance to earn a decent living.

#### Direct and Work Relief

I know you will agree with me that the speedy elimination of this burden of direct relief by the restoration of jobs for the idle is our greatest and most pressing problem. Under the National Administration policy this responsibility has in great measure been undertaken by the Federal Government, operating, of course, with the cooperation of the State, each in their separate and proper spheres.

Under the leadership of our beloved President, Franklin D. Roosevelt, the Congress of the United States is expected to meet this great challenge. According to recent press announcements, it is now the plan of the National Government shortly to substitute work relief for direct relief wherever possible. The President has made his recommendations to Congress, and we in Texas may well take pride in the fact that the plan of the National Government tracks closely the recommendations of our own State Democratic platform, upon which practically all of us were elected in November.

The very plan of the Federal Government, however, presents a grave question of immediate concern to Texas. Heretofore, the Federal Government has matched State funds for direct relief. It is understood that hereafter they will only furnish funds to give work relief to employable persons on relief rolls; and, in the absence of available work relief, will contribute toward direct relief to employables until work can be afforded them. This change in the policy of the Federal Government means that, of necessity, the State, county and city governments may soon have to make provision for relief of all unemployables in the State.

I am advised by the Board of Control (which now constitutes the State Relief Commission) that there are now on the relief rolls many thousands of people who are unable to work. These unfortunates must be cared for. Nobody is going to starve in Texas if we can help it!

The only means at hand for direct relief is the issuance of the remainder of the relief bonds authorized by the constitutional amendment adopted in 1933. Of the \$20,000,000 of relief bonds originally authorized, \$16,500,000 have been issued by the Legislature to date. Of this amount only \$1,500,000 remains unsold. These

bonds, under the present law, will be sold and expended, I am advised, for the month of February, 1935. After that time there will be no available relief bonds unless the Legislature issues the remainder of the authorized bonds.

The Board of Control requests and recommends that the remaining \$3,500,000 be issued and sold at an early date in order that part of such relief funds may be made available for the month of March, 1935, and thereafter in such amounts, from time to time, as the Legislature may see fit to authorize.

Realizing the gravity of the situation, and in order that we may be prepared for any emergency, whatever plan may be adopted by the Federal Government, I join in this recommendation of the Board of Control. I urge the Legislature to proceed at once to meet the emergency confronting us. I suggest that the proper committees immediately call before them the members of the Board of Control, the State Relief Administrator, and others interested and informed in matters of State relief for recommendations and information, to the end that a proper law be enacted as soon as possible authorizing the issuance of the remaining relief bonds.

The emergency matter submitted in this connection is expressly confined at this time to that of the passage of a bill similar to those heretofore enacted authorizing the issuance of relief bonds upon such conditions, and in such amounts, as the Legislature may prescribe, under the constitutional amendment originally authorizing the issuance of these bonds.

To facilitate this work, I have requested the Hon. Pat Dougherty, former Assistant Attorney General in charge of the issuance of these relief bonds for the State Commission, to prepare a suggested bill authorizing the issuance of these bonds. I am attaching a copy of this suggested bill to this message, and will be happy to have such members of the Legislature as are interested in this matter lend their signatures to its introduction. By this suggested bill I do not mean, in any wise, to attempt to direct the course of the legislation. It is submitted merely as a working model, of course, subject to any changes you may see fit to make. I do, however,

urge upon you the necessity for immediate action upon this or some similar bill.

### Old Age Pensions

I am informed that a large percentage of unemployables on relief rolls are made up of destitute aged citizens, both men and women. No relief program, therefore, can be complete without dealing with this subject. Our present poorhouse methods are far too antiquated and inhumane for this enlightened State.

The President has already recommended social security legislation to the National Congress and, in all probability, a Federal old age pension act will be passed. According to the best information I have, it is expected that any allotment by the National Government for old age pensions will be conditioned upon similar amounts being appropriated by the States; or, putting it another way, that to meet the varying conditions and demands in each section of the country, Congress may propose to match whatever pensions the States may provide for.

A number of our sister States have already passed old age pension acts. I suggest that the proper committees of each House immediately begin a study of this legislation, its cost, methods of financing, its effect in other States, etc., in order that we may be prepared to submit to a vote of the people a far-reaching and intelligent plan for old age pensions. Many different questions will arise in this connection, and any constitutional amendment or enabling legislation should be carefully studied and prepared.

Old age pensions for the destitute are just, humane, and inevitable. This Legislature has a golden opportunity to make adequate provision which will remove the haunting fear and dread of old age from the hearts of some of our most worthwhile citizens.

### Planned Recovery

The State Democratic platform expressed the belief that "this State should adopt and carry forward a planned program of recovery and rehabilitation." This is in keeping with the pattern afforded by the President who continues to unfold a planned

program of recovery for the Nation. One of the principal causes of our difficulties in State Government in the past, it seems to me, is that we have rocked along in rather haphazard fashion without the long range vision and the careful planning to which Texas is entitled.

Under the "new deal" of Franklin D. Roosevelt, billions of dollars were appropriated in an heroic effort to lift the country out of the depression. It has meant much to Texas, but not as much as it could have meant if we had been prepared to avail ourselves of all the "new deal" offered. Many communities and subdivisions of our government received seemingly substantial sums for public works projects, but an even casual examination reveals that it was only a small part of what Texas could have secured by operating under a real planned program of progress.

In announcing the future Federal policy of substituting work for direct relief, the President has asked Congress to appropriate even more money than before. In its broadest aspects, the National program seeks to restore millions of jobs by a gigantic program of public works. The Federal Government is committed to a long range program designed to encourage the best usage of the country's land, water, mineral, and other natural resources. In addition, many millions of dollars have already been appropriated to insure private financial institutions against loss by loans to citizens for repairing, constructing, and refinancing their homes.

In this vast recovery program Texas, as the greatest State in the Union, has a very definite responsibility. The only State in the Union constituting an empire within itself, the richest State in natural resources and in citizenship, a land where people can live at home, it offers the greatest possibilities for development. In developing the greater resources and facilities of Texas, I have no doubt our State can more intensely interest the National Administration than any other.

For instance, part of the plan of the Federal Government may be to remove citizens from communities and States where they can no longer procure a livelihood, transplanting them to other States where they can live a broader and fuller life. Some of

these people are the finest and sturdiest citizens this country has ever known. We want them in Texas. We want industrial development, rural industrial communities, real subsistence homesteads, finer farms, more factories and manufacturing institutions. We can get them if we will go after them.

#### Texas Planning Board

It is rather difficult for the Governor, alone, as the representative of the State, with the many duties already imposed upon him, to find and secure the maximum benefits to which our State is entitled. In order, therefore, that our recovery efforts may be really coordinated with those of the National Government, I deem it advisable to urge the Legislature to create a State Planning Board. The National Government has heretofore suggested that the States take such a step, and a number of other States have already set up planning boards.

In my judgment, this board should be charged with the duty of investigating and determining all available sources of Federal aid for development of our State or its subdivisions, and for furnishing and providing employment in worthwhile projects. It should be given the power and duty of formulating a comprehensive program for State development and rehabilitation. Such an agency should give particular consideration to the conservation of our natural resources, to the prevention of soil erosion and to public works projects. For this purpose, it should formulate plans to encourage the best use of available Federal funds. Such agency should be utilized to formulate a housing, rural rehabilitation and slum clearance program. These latter projects are already under way in a number of other States where remarkable and worth while progress has been made.

To those who, at first impulse, might oppose such a plan, on the general proposition that they are opposed to the creation of additional boards, I would say that at this time we have no legal board which could logically perform these duties. In the absence of legislative authority for an official board, the retiring Governor, many months ago, appointed an unofficial board to represent her and coordinate State efforts with the National Government. This board has performed fine service, but its mem-

bers represent to me that it is very unsatisfactory in view of the fact they have no legal or official status.

It is my judgment that no salary should be provided for the members of a state planning board. Some of the finest services ever rendered to Texas have been at the hands of outstanding citizens serving as members of honorary boards without compensation. The members of the present unofficial board have been paying their own traveling expenses in coming to Austin and going elsewhere on official business; and I respectfully submit that it is manifestly unfair for them to continue to make such sacrifice.

I therefore respectfully submit for emergency consideration this proposal to create a Texas Planning Board. In my judgment, its immediate creation will facilitate the recovery march in Texas and before the end of the Regular Session of this Legislature it will prove to have been invaluable.

#### Housing Program

A planned State program is particularly advisable at this time because of the recently enacted National Housing Act which makes available annually for loan to the citizens of this State many millions of dollars for use in construction and reconstruction of urban and rural homes, as well as for the refinancing of existing mortgages upon such homes. Full utilization of this allotment, upon the 20 per cent guarantee under the National Housing Act, will mean the direct expenditure in urban building alone of more than two hundred million dollars during 1935. Possibly an equal amount will be available for rural housing expenditures.

In order that the people of Texas may avail themselves of the full benefits of this great Federal housing program, it will be necessary for the Legislature to amend certain articles of the statutes affecting banks, insurance companies and building and loan companies. I have therefore caused to be prepared ten proposed bills as amendments to existing statutes regulating these financial institutions. These proposed changes, if adopted, will simply except from the restrictions of existing regulations the Federal guaranteed housing loans.

I am advised by representatives of the Federal Government that these changes in our laws, if adopted, will

not in any wise disturb the sound structure of our financial institutions. On the other hand, the adoption of these proposed amendments will make available for building activity in this State many millions of dollars which will undoubtedly contribute to the restoration of prosperity in our State.

It seems to me that none of these subjects could logically form the basis of controversy. They are merely designed to ease the relief burdens of the people of Texas. The adoption of the measures I propose will make available to the people of this State Federal funds already appropriated for the purpose. Any delay in making them effective will deprive this State of benefits to which the people are entitled. It is my hope, therefore, that these ten, or similar measures, will be speedily adopted by the Senate and the House of Representatives. Necessity demands that I urge them as emergency legislation.

#### Submission

The State platform of the Democratic Party also provides:

"We favor submission to a vote of the people of the question of repeal, revision or modification of State constitutional prohibition."

To this platform demand I am likewise unequivocally committed. As is well known, I am personally opposed to repeal; yet I favor the submission of this controversial question to a vote of the people at as early a date as possible.

May I again, however, respectfully suggest to the Legislature the necessity for careful study and careful preparation of the proposed constitutional amendment? After the so-called beer amendment was submitted in 1933, many grave questions were raised, some of which have not, as yet, been finally determined in the courts.

It seems to me it is only fair that when this proposed amendment is submitted for a vote of the people it should carry with it, perhaps not as a part of the amendment itself, but by contemporaneous enabling legislation, the proposed plan, or plans, for regulation of the liquor traffic in the event the amendment is adopted. I am sure our citizenship on both sides, those who favor and those who oppose repeal or modification, will agree that it would enable the people more intelligently and seriously to cast

their votes if they could know in just what manner it is proposed to deal with this troublesome question.

I suggest, therefore, that proper committees of each house begin an immediate study not only of the repeal resolutions introduced, but of the systems of control in other States, such as the State monopoly system. I recommend further that these committees make a study of revenues that might be reasonably expected therefrom and the problems of collection with a view of recommending an enabling statute in the event of adoption of the amendment by the people.

Much confusion has prevailed in a number of States which repealed or altered their State liquor laws without making adequate provision in advance for the regulation or proper taxation of the business in the event of repeal or modification. I believe this Legislature can perform a signal and a pioneering service in this respect if they will carefully study and plan for eventualities such as pointed out above, as well as for real protection of the integrity, in every respect, of dry communities in the event present constitutional provisions should be repealed or modified.

#### Oil and Gas Conservation

The oil industry in recent years has grown to vast proportions. Today it is one of the major ranking industries in the State, employing thousands of people and contributing substantially to the economic welfare of the State. It has been the source of much political controversy due to the unfair practice of both majority and minority groups. Its regulation in the interest of conservation has been the constant concern of the State Government for the past four years.

Much of the trouble of the oil industry and the official life charged with its regulation has been due to misunderstandings, misinformation, and ill-considered criticism by those either unfamiliar or unconcerned with the magnitude or proper solution of its problem or the practical difficulties confronting our public officials in this new and unexplored field of regulation. In the past not a little of our difficulties has been due to the fact that laws dealing with the production of oil and gas, as well as the rules and regulations of the conservation commission passed there-

under, have been enacted under high pressure at a time when, figuratively speaking, the "house was on fire." Practically all amendments to our laws dealing with the oil and gas industry have been hurriedly passed, often while legislative investigations of officers against whom reckless charges had been made were being carried on, and at a time when feeling was high. As a result of these conditions and failure to keep in mind the proper objective, we have had too little of co-operative effort between the several departments of government dealing with these problems. The industry, and the State as well, has suffered accordingly.

I am sure the citizenship of Texas and all its public officials want to see the oil industry prosper, want to see it continue as an industry in which the profit motive and opportunity may still exist, but want it administered at all times with due regard to the rights of the consuming public.

Recently there have been premonitions and predictions of profound change in opinion as to policy and procedure. We have heard modified rumblings of criticisms similar to those of 1931, '32, '33, and '34. Upon the whole, however, the prospect ahead for the oil industry is good. Conditions have steadily improved notwithstanding the recent decision of the United States Supreme Court striking down Section 9c of the National Recovery Act. Since that decision there are those who say the State is powerless, under its present laws, to deal with petroleum and its products in interstate commerce. While I am personally in favor of a re-enactment of Section 9c of the Industrial Recovery Act to meet constitutional objections and to enable the Federal Government to operate in its constitutional domain (that is, regulation of shipment of illegal oil in interstate or foreign commerce), yet I am firmly of the opinion that the State and the State alone has the power to deal with the production of oil within the State. I am still in agreement with the State Democratic platform opposing the "abdication or surrender of the State's power to control the production of its natural resources," and likewise oppose "any Federal encroachment upon the exclusive power of the State to control the production of oil and gas."

Believing as I do that the State and the State alone has this power, and that the State can adequately control same, I am also of the opinion that if our present laws are not adequate, then they should be strengthened so as to give to the State Conservation Commission sufficient means and power to make them fully effective.

So long as we carry out a policy of restricting production of oil, then that production must be ratably divided between wells in proportion to their ability to produce. Personally, I have no patience whatever with the individual or so-called "hot oil artist" who, in violation of the law, tries to secure more than his fair share of oil production.

I am inclined to believe that present laws are not sufficiently strong to adequately punish, either those who outright steal oil or produce same in violation of valid orders of the State Commission.

At this particular time there is no so-called "chaos" in the oil industry, but there are those who for selfish purposes or for power would relish the State's failure adequately to handle this situation. In no event will we, as Texans, abdicate our exclusive right to regulate the production of oil in our State, but, as honest Texans, we have simply got to handle this problem efficiently.

It seems to me it would be well for us to sit down at this time and sanely, dispassionately and temperately examine our present laws to determine their defects, if any, what the State Commission needs and what this Legislature can do to make State control more effective. I therefore recommend: That the proper committee of each house begin an immediate study of our present laws with this end in view. That you ask the Chairman of the State Railroad Commission and the chief enforcement agent of the Commission, the Assistant Attorneys General representing the Commission and other interested officials and citizens to appear before your committees for the purpose of pointing out and making recommendations for curing such defects as may be found to exist in our conservation laws.

Later on I may have some specific suggestions to make to you myself; but, in the meantime, I suggest that

among other things the committees' study be directed toward the following questions:

1. Are our present State laws sufficient to enable the State Commission adequately to deal with the regulation and production of oil and gas to effectuate real conservation?

2. Are the penalties now provided by law sufficient to deter law violations?

3. Has the State Commission really been given a sufficient appropriation to employ a sufficient force of efficient, intelligent men to really discharge the duties the law has imposed upon the Commission?

4. Has the Attorney General really been given sufficient appropriation to enable him to employ sufficient capable assistants to properly represent the Commission?

### Other Subjects

No recovery program can be complete in Texas without the passage of legislation authorizing real regulation of the rates charged by public utilities and without an intelligent solution of the painful and troublesome question of taxation. It is vital that the most rigid economy be practiced in conducting the State's affairs. Each of these subjects are of such importance as to warrant their discussion in special messages. At a later date I expect to submit to you my views upon these subjects.

This statement applies as well to the commanding question of crime and law enforcement. At this time I prefer to defer a detailed discussion of this question awaiting the full and final report of the Senate investigating committee, which, in my judgment, is rendering a splendid service to the State. Other important subjects, such as the State's attitude toward labor and the passage of legislation designed to protect the interests of those who toil, will be discussed with you in due course.

### Lobby Laws

I particularly call to your attention the following planks in the State platform of our Party:

"We condemn paid lobbies maintained to improperly influence members of the Legislature and other State officers and favor strengthening the anti-lobby laws.



"We favor full disclosure of employment of retainers of members of the Legislature by private interests."

These subjects have been freely discussed before the people and are well implanted in the public mind. I am firmly convinced that a majority of our citizens desire early passage of a real lobby regulation law and a law requiring periodical disclosures, under oath, by members of the Legislature and other State officers as to their employment and retainers. I understand that bills and resolutions pertaining to these subjects have already been introduced. As yet, I have had no opportunity to study them, but I do strongly recommend passage of complete and effective legislation to deal with these problems.

#### Amendments

I urge upon you the necessity for careful and cautious attention to the fashioning and preparation of the various bills and constitutional amendments. I suggest that all constitutional amendments be referred to the Attorney General for study, with the request that he point out to the proper committees of the Legislature any loopholes, defects, or questions which might arise after adoption. Hasty preparation of these amendments can result in serious objections which defeat the purpose of the Legislature.

For instance, I desire to direct your attention to the proposed constitutional amendment submitted at the last regular election to abolish the fee system. In plain language, this proposed amendment abolished the fee system of compensating public officers but made no provision whatever for the method of payment in the event the amendment was adopted, other than to say that public officers should be paid by salaries. No enabling legislation was passed; and had this particular amendment been adopted at the time, most of our public officers would have been without compensation of any kind until the Legislature could be called into special session to deal with this problem.

#### Conclusion

In conclusion, permit me again to assure you of my desire at all times to cooperate with and assist this Legislature and of my need for your wholehearted cooperation and assistance. I faithfully hope to see the sessions of this Legislature marked with a greater

degree of harmony between the members and with the departments of government than any other Legislature in the history of the State.

Many battles have been fought and won by our forebears to glorify the pages of Texas history, but at no time has a more serious menace confronted the State than we find today. An unparalleled economic disorder coupled with a tremendous deficit in the Treasury challenges the highest order of service that within us lies. Only by the sincerest cooperative effort between all public officials can the fight be won, and only by such patriotic conduct can we measure up to the responsibility that is ours.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

#### PLATFORM OF THE DEMOCRATIC PARTY OF TEXAS

(Adopted September 11, 1934.)

The Texas Democracy in convention assembled reaffirms its allegiance to the traditional principles of the party.

We reaffirm our faith in the dual form of government created by the Federal Constitution and pledge again our allegiance to the principles of State and local self-government free from interference.

We heartily acclaim the peerless leadership of President Franklin Delano Roosevelt, and of that great Texan, Vice President John Nance Garner.

We especially endorse all nominees of the party in the Democratic primaries. We proudly accept the leadership of James V. Allred, the party nominee for Governor, and we recommend to the Legislature and the people a favorable consideration of his progressive program of betterment for Texas.

We believe the platform of the party should frankly recognize existing evils in State affairs and suggest a program of reform that is possible of performance.

We recognize that restoration of a sound economic and social structure is of most immediate concern to the people. We recognize that Texas is essentially a producer of raw products and that any recovery program must embrace diligent care to ef-

fectuate a widening of markets therefor and improved extension of credit to producers. Regardless of the causes of the economic catastrophe that has overwhelmed the State and Nation, there are some helpful and sensible things this State can and should do to relieve the hardships of the people.

So far as possible, we believe this State should co-ordinate its recovery efforts with those of the National Government in order that the maximum benefits may be attained.

We believe this State should adopt and carry forward a planned program of recovery and rehabilitation.

In the fervent hope it will point the way to better days in Texas, we declare this to be the platform of the Democratic Party:

For the duration of the present economic emergency, we favor direct relief to needy and distressed people where absolutely necessary.

We oppose any system of doles as a policy of government.

We demand that administrative costs of relief be materially reduced, that relief be divorced from politics, and that relief be efficiently administered.

We oppose the employment of persons in relief work who are or may be otherwise gainfully employed.

In order to discourage local competition for relief funds we favor the transfer of some measure of the relief burden and responsibility to the local units of government. We favor the abandonment of direct relief at the earliest practicable time and the substitution in its stead of gainful and useful employment.

As one means of increasing employment we favor the use of some existing State agency to encourage industrial development and expansion. We advocate an accurate survey of the State's industrial possibilities and the markets for industrial products by such State agency and the free dissemination of such information.

The farms and ranches of the State must be relieved of unjust and excessive burdens of taxation. We advocate the enactment of reasonable laws that will relieve the farmers of the crushing burdens of debt until the return of better times. We favor a continuation of the work of

our agricultural colleges, experiment stations, county agents, home demonstration agents, and the further extension of agricultural education in the public schools. We favor the enactment of laws that will encourage the better financing of farm mortgages at lower rates of interest. We advocate the further extension and development of farm co-operatives, the widening of markets and extension of credit to producers of farm products.

Believing that labor should receive a more generous share of the earnings of industry we favor reduced hours of labor without the reduction of individual earnings. We favor the immediate application of this principle as a means of spreading employment. We recognize labor's right to organize in order to better its condition and favor a public policy outlawing employment contracts abridging such right. We oppose the abusive use of injunctions in labor disputes. We favor full and adequate protection of the rights of labor by every available means. We do not believe the State Labor Commissioner should be burdened with the duty of supervising boxing and wrestling.

No recovery program will be complete until the rates of public utilities are scaled down. While private ownership is preferable, we favor the enactment of laws that will make it practicable for any community to acquire and operate its own public utilities. We favor the conservation, development and use of the State's water power in the public interest. We advocate the immediate enlargement of the regulatory powers of State and municipal authorities and a simplification of trial and appellate procedure in rate cases.

We favor the retention of the anti-trust laws to prevent monopoly and unfair trade practices. We recognize that the diminishing field of opportunity for the individual to engage in business under his own initiative is largely due to the centralized control of industry. We advocate a revision and enlargement of the anti-trust laws and the enactment of other legislation designed to reopen the door of opportunity to small home-owned business and industry and to protect them against unfair advantages and practices of giant corporations and foreign-owned chains.

In order to meet modern transportation demands and furnish needed employment we favor a continuation of the highway construction program. That this program may not be interrupted we oppose any further diversion of highway revenues.

We favor the encouragement of home ownership. This State should enact laws to encourage financial institutions to co-operate with our citizens in acquiring and improving their homes under the terms of the National Housing Act.

We favor all practicable State co-operation with the National Government in its humanitarian proposals to provide for old age pensions and unemployment insurance.

We recognize the paramount importance of the conservation of our national resources. We demand that a jealous guardianship of State-owned oil lands for the benefit of our great school system shall be continued.

We oppose the abdication or surrender of the State's power to control the production of its natural resources. We likewise oppose any Federal encroachment upon the exclusive power of this State to control the production of oil and gas. We oppose any plan that results in the arbitrary compulsory unitization of oil fields.

To effect a speedy restoration of prosperity the burdens of taxation must be equalized. Needed revenues must be raised by a system of taxation levied on the principle of ability to pay. We demand that the State operate upon a budget that is balanced on the basis of accurate estimates well within the public revenues.

We favor easing the tax burden on real estate by shifting a reasonable portion of the tax to property now escaping taxation. To this end we favor the adoption of Senate Joint Resolution No. 16, proposing a constitutional amendment at the general election in November authorizing the Legislature to classify property for taxation. We advocate a reclassification of all wealth for tax purposes in order that property now escaping taxation may be made to bear its proportionate share of the burden.

We favor the principle of a substantial graduated chain store tax.

We oppose a State general sales tax.

We oppose the complete abolition of the ad valorem tax.

We demand the strictest economy in government and such further curtailment of expenditures as efficient public service will permit.

We oppose any curtailment of the present scope of work or activities of any of our State institutions of higher learning not inconsistent with a well coordinated educational program. We favor the continued support of our system of public schools, with such increases that a well-rounded educational program demands and the financial condition of the State will permit.

We unreservedly endorse the proposals of a public-spirited citizenship for a Texas Centennial that shall celebrate in 1936, one hundred years of our incomparable and unexampled progress. To this end, above party or faction or sect or section, we invoke the united support of all the people of Texas. We further call upon the Legislature of Texas, at the earliest opportunity presented, to make ample financial provisions for carrying out existing plans of the Texas Centennial Commission, for holding a great central exposition that shall be Texanic in its proportions, Continental in its ideals, and International in its scope, and for appropriate local celebrations at those historic places and shrines in Texas, treasured as our common sacred heritage.

We condemn paid lobbies maintained to improperly influence members of the Legislature and other State officers and favor strengthening the anti-lobby laws.

We favor full disclosure of employment of members of the Legislature by private interests.

We favor simplification of criminal and civil procedure to make the attainment of justice speedy, certain and less expensive.

We favor a reorganization and modernization of our State police system and the establishment of a central bureau of criminal identification.

We favor a constitutional amendment transferring the unrestrained pardoning power of the Governor to a non-partisan, non-political board.

We favor an intelligent and thorough rehabilitation program for convicts.

We advocate a comprehensive and enlarged child welfare program.

We condemn the law legalizing race track gambling and favor its repeal.

We favor submission to a vote of the people of the question of repeal, revision or modification of State constitutional prohibition.

To accomplish these great purposes we invite the patriotic cooperation of the Legislature and the sympathetic support of all Texas citizens. With an unselfish devotion to the welfare of the State and its people we can make effectual these progressive proposals "within the broad lines of existing institutions."

### SENATE RETIRES

At the conclusion of the address the Senate retired to its Chamber.

### ADJOURNMENT

On motion of Mr. Beck, the House, at 4 o'clock p. m., adjourned until 2 o'clock p. m., tomorrow.

### EIGHTH DAY

(Thursday, January 17, 1935)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Cowley
Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Alsup	Davison of Fisher
Atchison	Davisson
Beck	of Eastland
Bergman	Dickison
Bourne	Dunagan
Bradbury	Dunlap of Hays
Bradford	Dunlap of Kleberg
Broyles	Duvall
Burton	England
Butler of Brazos	Fain
Butler of Karnes	Farmer
Cagle	Fisher
Caldwell	Fitzwater
Calvert	Ford
Canon	Fox
Celaya	Frazer
Clayton	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good
Cooper	Graves

Gray	Moore
Greathouse	Morris
Hankamer	Morrison
Hardin	Morse
Harris of Archer	Newton
Harris of Dallas	Nicholson
Hartzog	Olsen
Head	Padgett
Herzik	Patterson
Hill	Payne
Hodges	Petsch
Hofheinz	Pope
Holland	Quinn
Hoskins	Reader
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hughes	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roane
Jackson	Roark
James	Roberts
Jefferson	Rogers
Jones of Atascosa	Russell
Jones of Falls	Rutta
Jones of Runnels	Scarborough
Jones of Shelby	Settle
Jones of Wise	Shofner
Keefe	Smith
Knetsch	Spears
Lange	Stanfield
Lanning	Steward
Latham	Stinson
Leath	Stovall
Lemens	Tarwater
Leonard	Tennyson
Lindsey	Thornton
Lotief	Venable
Lucas	Waggoner
Luker	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKee	Young
Moffett	Youngblood

Absent

Dwyer	Walker
Palmer	

Absent—Excused

Ash	Tillery
King	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business: